

FORTY-SEVENTH DAY - MARCH 23, 2006**LEGISLATIVE JOURNAL****NINETY-NINTH LEGISLATURE
SECOND SESSION****FORTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 23, 2006

PRAYER

The prayer was offered by Senator Johnson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Cornett, Foley, Friend, Heidemann, Landis, Loudon, McDonald, Dw. Pedersen, Raikes, Redfield, and Synowiecki who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

SELECT COMMITTEE REPORTS**Enrollment and Review****Correctly Engrossed**

The following bill was correctly engrossed: LB 562.

ER9084

Enrollment and Review Change to LB 562

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, AM7176, on page 18, line 3, "and" has been struck; and in line 4 "; and to outright repeal section 53-167.04, Reissue Revised Statutes of Nebraska" has been inserted after "sections".

(Signed) Michael Flood, Chairperson

RESOLUTIONS**LEGISLATIVE RESOLUTION 317.** Introduced by Pahls, 31.

WHEREAS, the Omaha Skutt Skyhawks have a Class B state championship trifecta, winning the football, wrestling, and boys' basketball championships in the 2005-06 school year; and

WHEREAS, Omaha Skutt defeated McCook on November 19, 2005, to win the state football championship; and

WHEREAS, Omaha Skutt won its record ninth straight wrestling title on February 11, 2006; and

WHEREAS, Omaha Skutt defeated Holdrege to win the boys' basketball state championship on March 11, 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Omaha Skutt football, wrestling, and boys' basketball teams and their respective coaches, Matt Turnam, Brad Hildebrandt, and Jon Burt.

2. That a copy of this resolution be sent to the winning teams and their coaches.

Laid over.

LEGISLATIVE RESOLUTION 318. Introduced by Pahls, 31.

PURPOSE: The purpose of this study is to review the threat of voter fraud in Nebraska. Voter confidence is paramount in a free democratic society. The State of Nebraska allows its citizens to use a variety of methods to vote. As the state has increased the number of alternatives its citizens utilize to exercise their voting rights, citizens have become concerned about the potential increases for voter fraud. One method adopted by some states to reduce the threat of voter fraud is the requirement for voters to provide some form of voter identification.

The Government, Military and Veterans Affairs Committee of the Legislature shall review the methods other states and the federal government have considered or adopted to thwart voter fraud and instill voter confidence. Specifically, the committee shall focus on voter identification requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 872A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1126. Advanced to E & R for engrossment.

LEGISLATIVE BILL 817. Advanced to E & R for engrossment.

LEGISLATIVE BILL 817A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 746. E & R amendment, AM7181, found on page 1065, was adopted.

Senators Flood and Bourne offered the following amendment:
AM2842

(Amendments to E & R amendments, AM7181)

1 1. Insert the following new sections:

2 Sec. 5. The Civil Legal Services Fund is created. Any
3 money remaining in the fund at the end of a calendar year shall be
4 distributed in the following calendar year. Any money in the fund
5 available for investment shall be invested by the state investment
6 officer pursuant to the Nebraska Capital Expansion Act and the
7 Nebraska State Funds Investment Act.

8 Sec. 6. Beginning January 1, 2007, a fee of one dollar
9 shall be taxed as costs in each criminal proceeding, including
10 traffic infractions and misdemeanors, filed in all courts of this
11 state for violations of state law or city or village ordinances.
12 No such fee shall be collected in any juvenile court proceeding
13 or when waived under section 29-2709. Such fee shall be remitted
14 to the State Treasurer on forms prescribed by the State Treasurer
15 within ten days after the close of each calendar quarter. The State
16 Treasurer shall credit the money to the Civil Legal Services Fund.

17 Sec. 7. Section 81-1413, Revised Statutes Cumulative
18 Supplement, 2004, is amended to read:

19 81-1413 Tuition, fees, and such other expenses incurred
20 in the pre-certification and certification training of applicants
21 shall be the responsibility of the person or his or her sponsoring
22 agency, except that through ~~January 1, 2007~~ January 1, 2011,
1 such expenses may be financed by the training center through
2 other appropriated funds as determined by the council in order to
3 transition to a tuition-based system.

4 Sec. 8. Section 81-1428, Revised Statutes Cumulative
5 Supplement, 2004, is amended to read:

6 81-1428 The Law Enforcement Improvement Fund is created
7 and shall be maintained by the State Treasurer as a cash fund.
8 ~~Until January 1, 2007, the~~ The fund shall consist of revenue

9 credited pursuant to section 81-1429 and investment income. The
10 fund shall be used for payment of administrative and operations
11 expenses of the Nebraska Law Enforcement Training Center and such
12 other expenses as budgeted by the Legislature for the improvement
13 of law enforcement. The fund shall be administered by the director.
14 Any money in the fund available for investment shall be invested
15 by the state investment officer pursuant to the Nebraska Capital
16 Expansion Act and the Nebraska State Funds Investment Act.

17 Sec. 9. Section 81-1429, Revised Statutes Cumulative
18 Supplement, 2004, is amended to read:

19 81-1429 ~~A~~ (1) Until January 1, 2007, a Law Enforcement
20 Improvement Fund fee of two dollars shall be taxed as costs
21 in each criminal proceeding, including traffic infractions and
22 misdemeanors, filed in all courts of this state for violations
23 of state law or city or village ordinances. No such fee shall
24 be collected in any juvenile court proceeding or when waived
25 under section 29-2709. Such fee shall be paid remitted to the
26 State Treasurer on forms prescribed by the State Treasurer within
27 ten days of after the close of each calendar quarter. The State
1 Treasurer shall credit the money to the Law Enforcement Improvement
2 Fund.

3 ~~This section terminates January 1, 2007.~~

4 (2) Beginning January 1, 2007, a fee of one dollar shall
5 be taxed as costs in each criminal proceeding, including traffic
6 infractions and misdemeanors, filed in all courts of this state for
7 violations of state law or city or village ordinances. No such fee
8 shall be collected in any juvenile court proceeding or when waived
9 under section 29-2709. Such fee shall be remitted to the State
10 Treasurer on forms prescribed by the State Treasurer within ten
11 days after the close of each calendar quarter. The State Treasurer
12 shall credit the money to the Law Enforcement Improvement Fund.

13 Sec. 10. Original sections 81-1413, 81-1428, and 81-1429,
14 Revised Statutes Cumulative Supplement, 2004, are repealed.

15 2. On page 1, line 6, strike "4" and insert "6"; and
16 in line 9 after "program" insert "and money in the Civil Legal
17 Services Fund".

The Flood-Bourne amendment was adopted with 31 ayes, 0 nays, 16 present
and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 605. E & R amendment, AM7187, found on page
1089, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 605A. E & R amendment, AM7188, found on page

1089, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1208. E & R amendment, AM7190, found on page 1090, was adopted.

Senator Raikes renewed the Raikes-Thompson pending amendment, AM2721, found on page 1035.

Senator Smith offered the following amendment to the Raikes-Thompson pending amendment:

FA621

Amendment to AM2721

P. 1, lines 8 and 9 strike "the next one million dollars shall be transferred to the School District Reorganization Fund,"

Senator Smith withdrew his amendment.

Senator Brashear moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Raikes-Thompson amendment was adopted with 26 ayes, 12 nays, 10 present and not voting, and 1 excused and not voting.

Senators Raikes, Byars, and Erdman offered the following amendment: AM2854

- 1 1. In the Standing Committee amendment, AM2565, on page
- 2 1, line 16, strike "A" and insert "For school year 2009-10 and each
- 3 school year thereafter, a".
- 4 2. In the Raikes amendment, AM2688, on page 1, line 5,
- 5 strike "commercials" and insert "commercial".

The Raikes et al. amendment was adopted with 38 ayes, 0 nays, and 11 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1208A. E & R amendment, AM7189, found on page 1090, was adopted.

Senator Raikes offered the following amendment: AM2828

- 1 1. Insert the following new section:
- 2 Sec. 4. There is hereby appropriated (1) \$250,000 from
- 3 the Attracting Excellence to Teaching Program Cash Fund for
- 4 FY2006-07 and (2) \$500,000 from the Attracting Excellence to

5 Teaching Program Cash Fund for FY2007-08 to the State Department of
 6 Education, for Program 161, to aid in carrying out the provisions
 7 of Legislative Bill 1208, Ninety-ninth Legislature, Second Session,
 8 2006.

9 There is included in the appropriation to this program
 10 for FY2006-07 \$250,000 Cash Funds for state aid for the Attracting
 11 Excellence to Teaching Program Act, which shall only be used
 12 for such purpose. There is included in the appropriation to this
 13 program for FY2007-08 \$500,000 Cash Funds for state aid for the
 14 Attracting Excellence to Teaching Program Act, which shall only be
 15 used for such purpose.

16 2. On page 3, line 20, strike "\$3,800,000" and insert
 17 "\$3,533,000".

18 3. Renumber the remaining sections accordingly.

The Raikes amendment was adopted with 34 ayes, 1 nay, and 14 present and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086. E & R amendment, AM7186, found on page 1090, was adopted.

Senator Chambers offered the following amendment:
 AM2864

1 1. Insert the following new sections:

2 Sec. 10. For purposes of sections 10 to 12 of this act,
 3 the following definitions apply:

4 (1) Actor means a person who solicits, procures, or
 5 supervises the services or labor of another person;

6 (2) Commercial sexual activity means any sex act on
 7 account of which anything of value is given, promised to, or
 8 received by any person;

9 (3) Financial harm means theft by extortion as described
 10 by section 28-513;

11 (4) Forced labor or services means labor or services that
 12 are performed or provided by another person and are obtained or
 13 maintained through:

14 (a) Inflicting or threatening to inflict serious personal
 15 injury as defined by section 28-318;

16 (b) Physically restraining or threatening to physically
 17 restrain another person;

18 (c) Knowingly destroying, concealing, removing,
 19 confiscating, or possessing any actual or purported passport
 20 or other immigration document or any other actual or purported
 21 government identification document of another person; or

22 (d) Causing or threatening to cause financial harm to
 23 another person;

1 (5) Labor means work of economic or financial value;

(6) Maintain means, in relation to labor or services, to secure continued performance thereof, regardless of any initial agreement by the victim to perform such type of service;

(7) Minor means a person younger than eighteen years of age;

(8) Obtain means, in relation to labor or services, to secure performance thereof;

(9) Services means an ongoing relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Commercial sexual activity and sexually-explicit performances are forms of services under this section. Nothing in this subdivision shall be construed to legalize prostitution;

(10) Sexually-explicit performance means a live or public play, dance, show, or other exhibition intended to arouse or gratify sexual desire or to appeal to prurient interests; and

(11) Trafficking victim means a person subjected to any act or acts prohibited by section 11 of this act.

Sec. 11. (1) No person shall knowingly subject or attempt to subject another person to forced labor or services. If an actor knowingly subjects another person to forced labor or services by:

(a) Inflicting or threatening to inflict serious personal injury as defined by section 28-318, the actor is guilty of a Class III felony;

(b) Physically restraining or threatening to physically restrain another person, the actor is guilty of a Class III felony;

(c) Knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of such other person, the actor is guilty of a Class IV felony; or

(d) Causing or threatening to cause financial harm to another person, the actor is guilty of a Class I misdemeanor.

(2) No person shall knowingly recruit, entice, harbor, transport, provide, or obtain by any means or attempt to recruit, entice, harbor, provide, or obtain by any means a minor for the purpose of having such minor engage in commercial sexual activity, sexually-explicit performance, or the production of pornography, or to cause or attempt to cause a minor to engage in commercial sexual activity, sexually-explicit performance, or the production of pornography. A person who violates this subsection shall be punished as follows:

(a) In cases in which the actor uses overt force or the threat of force, the actor is guilty of a Class II felony;

(b) In cases in which the victim has not attained the age of fifteen years, and the actor does not use overt force or the threat of force, the actor is guilty of a Class II felony; or

(c) In cases involving a victim between the ages of fifteen and eighteen years, and the actor does not use overt force

24 or threat of force, the actor is guilty of a Class III felony.
25 (3) Any person who knowingly (a) recruits, entices,
26 harbors, transports, provides, or obtains by any means, or attempts
27 to recruit, entice, harbor, transport, provide, or obtain by any
1 means, a person eighteen years of age or older, intending or
2 knowing that the person will be subjected to forced labor or
3 services or (b) benefits, financially or by receiving anything of
4 value, from participation in a venture which has, as part of the
5 venture, an act that is in violation of subsection (1) of this
6 section, is guilty of a Class IV felony.

7 Sec. 12. (1) The Attorney General, in consultation with
8 the Department of Health and Human Services shall, no later
9 than one year after the effective date of this act, issue a
10 report outlining how existing victim and witness laws and rules
11 and regulations respond to the needs of trafficking victims and
12 suggesting areas of improvement and modification.

13 (2) The Department of Health and Human Services, in
14 consultation with the Attorney General, shall, no later than one
15 year after the effective date of this act, issue a report outlining
16 how existing social service programs respond or fail to respond
17 to the needs of trafficking victims and the interplay of such
18 existing programs with federally-funded victim service programs and
19 suggesting areas of improvement and modification.

20 2. On page 4, line 2, strike "section 8" and insert
21 "sections 8, 10, 11, and 12".

22 3. Renumber the remaining section accordingly.

SENATOR BOURNE PRESIDING

SENATOR CUDABACK PRESIDING

The Chambers amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Senator Erdman offered the following amendment:

AM2860

(Amendments to E & R amendments, AM7186)

- 1 1. On page 3, after line 22, insert:
- 2 "(3) The department shall report to the Legislature by
- 3 January 1, 2007, and describe how funds appropriated to carry out
- 4 this act have been expended. The report shall include a description
- 5 of education and treatment programs, the number and location of
- 6 public, private, and nonprofit entities that have qualified under
- 7 this act, and the amount spent on administrative costs.".

Senator Erdman withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1086A. Senator Erdman offered the following amendment:

AM2846

- 1 1. On page 2, line 1, strike "(1)"; strike beginning with
- 2 "and" in line 2 through "FY2007-08" in line 3; and strike beginning
- 3 with "There" in line 10 through line 13.

Senator Erdman withdrew his amendment.

Senator Fischer requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS

Urban Affairs

LEGISLATIVE BILL 163. Indefinitely postponed.

LEGISLATIVE BILL 1037. Indefinitely postponed.

LEGISLATIVE BILL 1112. Indefinitely postponed.

LEGISLATIVE BILL 1234. Indefinitely postponed.

(Signed) Mike Friend, Chairperson

Health and Human Services

LEGISLATIVE BILL 1248. Placed on General File as amended.

(Standing Committee amendment, AM2831, is printed separately and available in the Bill Room, Room 1104.)

(Signed) Jim Jensen, Chairperson

AMENDMENT - Print in Journal

Senator Howard filed the following amendment to LB 500:
AM2849

(Amendments to AM2641)

- 1 1. On page 4, line 5, after "facilities" insert "that
- 2 are provided free to the public"; and in line 10 after "project"
- 3 insert ". Development project costs does not include property
- 4 taxes incurred by a company that locates within a development
- 5 project area, any type of lobbying expense, or the development,
- 6 construction, or operation of any type of parking facility that
- 7 requires the public to pay a fee".
- 8 2. On page 7, line 1, after "stadiums" insert "that
- 9 provide at a minimum one free parking space for each four seats in
- 10 the stadium".
- 11 3. On page 21, line 1, after the period insert "The
- 12 contracting public body may not pledge any portion of the financial

- 13 assistance received under this section for the construction,
14 development, or operation of a parking facility that requires
15 the public to pay any type of fee for its use."

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 1199A. Introduced by Bourne, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1199, Ninety-ninth Legislature, Second Session, 2006.

VISITORS

Visitors to the Chamber were 32 fourth-grade students and teachers from York; members of Leaders Energizing Activities in Partnerships from Hartington; and 38 fourth-grade students and teachers from Rose Hill Elementary School, Omaha.

RECESS

At 12:08 p.m., on a motion by Senator Cunningham, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senator Byars who was excused; and Senators Beutler, Bourne, Brashear, Engel, Heidemann, Langemeier, Mines, Price, and Raikes who were excused until they arrive.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 287.

ER9085

Enrollment and Review Change to LB 287

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "cemeteries" in line 1 through line 2 has been struck and "crimes and offenses; to amend section 28-101, Revised Statutes Cumulative Supplement, 2004; to state intent; to define terms; to prohibit picketing of a funeral as prescribed; to provide a penalty; to harmonize provisions; to repeal the original section; and to declare an emergency." inserted.

(Signed) Michael Flood, Chairperson

SELECT FILE

LEGISLATIVE BILL 1061. E & R amendment, AM7183, found on page 1054, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1131. E & R amendment, AM7182, found on page 1054, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1060. E & R amendment, AM7191, found on page 1094, was adopted.

Senator Erdman withdrew his pending motion, found on page 1097, to recommit LB 1060 to the Appropriations Committee.

Senator Smith withdrew his pending amendment, AM2695, found on page 1012.

Senator Landis renewed his pending amendment, AM2686, found on page 1001.

The Landis amendment lost with 4 ayes, 17 nays, 25 present and not voting, and 3 excused and not voting.

Senator D. Pederson asked unanimous consent to withdraw his pending amendment, AM2699, found on page 1017, and replace it with his substitute amendment, AM2855. No objections. So ordered.
AM2855

(Amendments to Standing Committee amendments, AM2581)

- 1 1. Strike amendment AM2441 and all amendments thereto.

Senator D. Pederson moved for a call of the house. The motion prevailed with 41 ayes, 0 nays, and 8 not voting.

Senator Foley requested a roll call vote on the D. Pederson amendment.

Voting in the affirmative, 26:

Aguilar	Connealy	Janssen	Pederson, D.	Thompson
Beutler	Cudaback	Johnson	Preister	Wehrbein
Bourne	Cunningham	Kruse	Price	
Brashear	Engel	Landis	Raikes	
Brown	Howard	McDonald	Redfield	
Chambers	Hudkins	Mines	Schimek	

Voting in the negative, 5:

Erdman	Foley	Friend	Schrock	Smith
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Present and not voting, 16:

Baker	Fischer	Kopplin	Pedersen, Dw.
Burling	Flood	Kremer	Stuhr
Combs	Heidemann	Louden	Stuthman
Cornett	Jensen	Pahls	Synowiecki

Excused and not voting, 2:

Byars	Langemeier
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The D. Pederson amendment was adopted with 26 ayes, 5 nays, 16 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers withdrew his pending amendments, FA611, FA612, FA615, and FA616, found on pages 1074 and 1084.

Senator Brashear asked unanimous consent to withdraw his pending amendment, AM2784, found on page 1087, and replace it with his substitute amendment, AM2877. No objections. So ordered.

AM2877

(Amendments to Standing Committee amendments, AM2581)

- 1 1. On page 98, after line 23 insert:
- 2 "It is the intent of the Legislature that the Department
- 3 of Correctional Services determine the amount necessary to
- 4 reimburse counties for eligible county jail reimbursement claims
- 5 for FY2006-07 and FY2007-08. The department shall encourage the
- 6 counties to submit their claims for the entire fiscal year
- 7 regardless of whether there are available appropriations. The
- 8 department shall submit a report to the Chairperson of the
- 9 Appropriations Committee as to such claims no later than July 31,
- 10 2007, and July 31, 2008, and shall include in each of its next
- 11 ensuing budget requests the total amount that would have been
- 12 necessary to fully reimburse the counties for their costs for

13 housing a state prisoner pursuant to section 47-119.01 so that the
 14 Legislature is aware of the cost to the counties for maintaining
 15 state prisoners."

The Brashear amendment was adopted with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

Senator D. Pederson reoffered his amendment, AM2699, found on page 1017 and considered in this day's Journal.

Senator Chambers offered the following amendment to the D. Pederson pending amendment:
 FA624

Amendment to AM2699

On page 1 in lines 9-12 strike new matter and reinstate stricken matter.

SENATOR SCHIMEK PRESIDING

SENATOR CUDABACK PRESIDING

Senator Stuthman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Chambers requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 10:

Brown	Cudaback	Preister	Stuthman	Thompson
Connealy	Kruse	Price	Synowiecki	Wehrbein

Voting in the negative, 14:

Combs	Erdman	Friend	Landis	Smith
Cunningham	Flood	Hudkins	Mines	Stuhr
Engel	Foley	Kremer	Pedersen, Dw.	

Present and not voting, 23:

Aguilar	Chambers	Janssen	Louden	Redfield
Baker	Cornett	Jensen	McDonald	Schimek
Beutler	Fischer	Johnson	Pahls	Schrock
Brashear	Heidemann	Kopplin	Pederson, D.	
Burling	Howard	Langemeier	Raikes	

Excused and not voting, 2:

Bourne Byars

The Chambers amendment lost with 10 ayes, 14 nays, 23 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:
Reconsider the vote taken on FA624.

Senator Chambers asked unanimous consent to withdraw his motion to reconsider the vote taken on FA624. No objections. So ordered.

Senator D. Pederson withdrew his amendment, AM2699.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 319. Introduced by Kremer, 34.

PURPOSE: To examine the resources and other requirements necessary to implement state mandatory livestock price reporting and other duties assigned to the Department of Agriculture under the Competitive Livestock Markets Act in the event Congress fails to timely reauthorize federal mandatory price reporting. The study shall further examine other clarifications and revisions necessary and desirable to conform the act with relevant caselaw and with experience learned from the federal program.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 320. Introduced by Kremer, 34.

PURPOSE: To review the benefits and criticisms of the livestock friendly county program, to explore means to enhance the value of the program for participating counties, and to provide counties with additional tools to facilitate livestock development in a manner consistent with local planning objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 321. Introduced by McDonald, 41; Aguilar, 35; Baker, 44; Bourne, 8; Combs, 32; Cunningham, 40; Flood, 19; Howard, 9; Johnson, 37; Kremer, 34; Kruse, 13; Price, 26; Smith, 48; Stuthman, 22; Synowiecki, 7.

PURPOSE: The purpose of this study is to examine the overall impact of Area Health Education Center (AHEC) programs on the health of the citizens of Nebraska through their mission of career awareness and recruitment and retention of medical professionals to underserved areas.

AHEC's are cooperative ventures between a medical school and community centers. They are administered in Nebraska by the University of Nebraska Medical Center. Nebraska has five AHEC's across the state. AHEC's partner with the Rural Health Education Network which is funded by the Legislature, but AHEC's are federally funded through Title VII of the Public Health Service Act for a maximum of twelve years. The twelve-year period for federal funding for Nebraska's AHEC's will begin to expire in September of 2007 and all AHEC's will be off of federal funding in September of 2011.

This study shall determine the importance of AHEC's in maintaining easily accessible health services in underserved areas of Nebraska, recruitment and training of health professionals, continuing education for health professionals, and partnerships with other agencies with similar goals.

In addition, the study should determine whether AHEC services in Nebraska should be funded by the Legislature as federal funding expires.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Synowiecki filed the following amendment to LB 1189:
AM2856

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 77-2704.12, Revised Statutes Supplement,

3 2005, is amended to read:

4 77-2704.12 (1) Sales and use taxes shall not be imposed
5 on the gross receipts from the sale, lease, or rental of and the
6 storage, use, or other consumption in this state of purchases by
7 any organization created exclusively for religious purposes, any
8 nonprofit organization providing services exclusively to the blind,
9 any private educational institution established under sections
10 79-1601 to 79-1607, any private college or university established
11 under sections 85-1101 to 85-1111, any hospital, health clinic when
12 two or more hospitals or the parent corporations of the hospitals
13 own or control the health clinic for the purpose of reducing
14 the cost of health services or when the health clinic receives
15 federal funds through the United States Public Health Service for
16 the purpose of serving populations that are medically underserved,
17 skilled nursing facility, intermediate care facility, intermediate
18 care facility for the mentally retarded, nursing facility, home
19 health agency, hospice or hospice service, or respite care
20 service licensed under the Health Care Facility Licensure Act
21 and organized not for profit, any licensed child-caring agency, ~~or~~
22 any licensed child placement agency, or any nonprofit organization
23 providing community-based services for persons with developmental
1 disabilities.

2 (2) Any organization listed in subsection (1) of this
3 section shall apply for an exemption on forms provided by the
4 Tax Commissioner. The application shall be approved and a numbered
5 certificate of exemption received by the applicant organization in
6 order to be exempt from the sales and use tax.

7 (3) The appointment of purchasing agents shall be
8 recognized for the purpose of altering the status of the
9 construction contractor as the ultimate consumer of building
10 materials which are physically annexed to the structure and
11 which subsequently belong to the owner of the organization or
12 institution. The appointment of purchasing agents shall be in
13 writing and occur prior to having any building materials annexed
14 to real estate in the construction, improvement, or repair. The
15 contractor who has been appointed as a purchasing agent may apply
16 for a refund of or use as a credit against a future use tax
17 liability the tax paid on inventory items annexed to real estate
18 in the construction, improvement, or repair of a project for a
19 licensed not-for-profit institution.

20 (4) Any organization listed in subsection (1) of this
21 section which enters into a contract of construction, improvement,
22 or repair upon property annexed to real estate without first
23 issuing a purchasing agent authorization to a contractor or
24 repairperson prior to the building materials being annexed to
25 real estate in the project may apply to the Tax Commissioner for
26 a refund of any sales and use tax paid by the contractor or
27 repairperson on the building materials physically annexed to real
1 estate in the construction, improvement, or repair.

- 2 (5) Any person purchasing, storing, using, or
3 otherwise consuming building materials in the performance of any
4 construction, improvement, or repair by or for any institution
5 enumerated in subsection (1) of this section which is licensed upon
6 completion although not licensed at the time of construction or
7 improvement, which building materials are annexed to real estate
8 and which subsequently belong to the owner of the institution,
9 shall pay any applicable sales or use tax thereon. Upon becoming
10 licensed and receiving a numbered certificate of exemption,
11 the institution organized not for profit shall be entitled to
12 a refund of the amount of taxes so paid in the performance
13 of such construction, improvement, or repair and shall submit
14 whatever evidence is required by the Tax Commissioner sufficient
15 to establish the total sales and use tax paid upon the building
16 materials physically annexed to real estate in the construction,
17 improvement, or repair.
- 18 2. Correct the operative date section and repealer so
19 that the section added by this amendment becomes operative on
20 October 1, 2006.
- 21 3. Renumber the remaining sections accordingly.

Senator Howard filed the following amendment to LB 1105:
AM2829

(Amendments to Standing Committee amendments, AM2389)

- 1 1. On page 8, line 24, after the period insert "The board
2 shall not include in the estimate of attributable revenue from the
3 eligible facility any amount derived from a new regional, national,
4 or international event at which the convention and meeting center
5 facility or sports arena facility charged any fee to provide for
6 parking for the event.".

SELECT FILE

LEGISLATIVE BILL 1060. Senator Howard offered the following amendment:

AM2836

(Amendments to Standing Committee amendments, AM2581)

- 1 1. Strike section 154.
2 2. Renumber the remaining sections and correct internal
3 references accordingly.

Senator Howard moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Howard requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Aguilar	Cudaback	Hudkins	McDonald	Redfield
Beutler	Fischer	Kopplin	Pedersen, Dw.	Schimek
Burling	Flood	Kruse	Preister	Schrock
Chambers	Friend	Landis	Price	Stuhr
Connealy	Howard	Louden	Raikes	Synowiecki

Voting in the negative, 11:

Baker	Cunningham	Mines	Smith
Brown	Engel	Pahls	Wehrbein
Cornett	Foley	Pederson, D.	

Present and not voting, 9:

Bourne	Erdman	Janssen	Johnson	Stuthman
Brashear	Heidemann	Jensen	Kremer	

Excused and not voting, 4:

Byars	Combs	Langemeier	Thompson
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The Howard amendment was adopted with 25 ayes, 11 nays, 9 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator D. Pederson offered the following amendment:
AM2868

(Amendments to Standing Committee amendments, AM2581)

- 1 1. PURPOSE: Insert correct fund name.
- 2 AMENDMENT: On page 25, lines 15 and 16, strike "NEBRASKA
- 3 CAPITAL CONSTRUCTION FUND" and insert "STATE BUILDING FUND".
- 4 2. PURPOSE: Correct earmark language to show the
- 5 correct fiscal years.
- 6 AMENDMENT: On page 26, line 16, after "FY2005-06" insert
- 7 "and FY2006-07"; and in line 27 strike "FY2006-07" and insert
- 8 "FY2005-06".
- 9 3. PURPOSE: Adjust the Nebraska State College System
- 10 General Fund appropriation to reflect a lower estimate of FY2006-07
- 11 health insurance costs.
- 12 AMENDMENT: On page 38, lines 6 and 7, strike "573,915"
- 13 and insert "347,850"; and in line 13 before the period insert "less
- 14 \$226,065 General Funds to reflect an adjustment to FY2006-07
- 15 estimated health insurance costs".
- 16 4. PURPOSE: Reduce the SALARY LIMIT by \$60,000 for
- 17 FY2006-07. A position was added to the Community Corrections
- 18 Council that was not needed.
- 19 AMENDMENT: On page 111, line 10, strike "271,172" and
- 20 insert "211,172".

- 21 5. PURPOSE: Clarify an earmark.
22 AMENDMENT: On page 111, line 18, strike "\$5,750,000" and
23 insert "\$5,650,000".

The D. Pederson amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Flood withdrew his pending amendment, FA613, found on page 1074.

Pending.

LEGISLATIVE BILL 690. E & R amendment, AM7184, found on page 1094, was adopted.

SENATOR BAKER PRESIDING

Senator Mines offered the following amendment:
FA623

Page 3 line 22 of committee amendment following the word "grants" insert this act terminates 1-1-2011.

The Mines amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 322. Introduced by Fischer, 43.

PURPOSE: On May 11, 2005, the President of the United States signed House Bill 1268, which became Public Law 109-13, commonly referred to as the REAL ID Act. The REAL ID Act requires certain state standards, procedures, and requirements for issuing state driver's licenses and state identification cards if such documents are to be accepted as identity documents by the federal government. It is anticipated that the REAL ID Act will have an impact on all of the approximately 1.3 million state driver's license and state identification card holders in Nebraska. The purpose of this study is to analyze the REAL ID Act and all duly promulgated rules and regulations associated with the REAL ID Act.

The study shall consider how the REAL ID Act may alter the business practices of the Department of Motor Vehicles, how the REAL ID Act may affect the staffing, facilities, training, and equipment currently used in the manufacturing and issuance of state driver's licenses and state identification cards, how the federal government intends to implement the development, expansion, and deployment of the five verification systems required by the REAL ID Act, an estimate of the costs associated with complying with the REAL ID Act, and any other federal requirements related to this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 323. Introduced by Fischer, 43.

PURPOSE: The purpose of this resolution is to evaluate the locations of Game and Parks Commission offices and the location of commission headquarters.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 324. Introduced by Baker, 44.

PURPOSE: The purpose of this study is to examine matters and issues within the jurisdiction of the Transportation and Telecommunications Committee of the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 325. Introduced by Kruse, 13.

PURPOSE: The purpose of this study is to examine the legislative intent in the enactment of the Nebraska Public Transportation Act and the appropriation of funds under the act. The study shall determine whether current transportation needs are adequately met and shall propose statutory

changes to and administration of the act to best serve the transportation needs of the disabled and elderly population.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 690A. E & R amendment, AM7185, found on page 1094, was adopted.

Senator Stuhr renewed her pending amendment, AM2765, found on page 1118.

SENATOR CUDABACK PRESIDING

The Stuhr amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1060. Senator Flood offered the following amendment:

AM2891

- 1 1. Insert the following new section:
- 2 Sec. 170. AGENCY NO. 78 -- NEBRASKA COMMISSION ON LAW
- 3 ENFORCEMENT AND CRIMINAL JUSTICE
- 4 Program No. 198 - Central Administration
- 5

	<u>FY2005-06</u>	<u>FY2006-07</u>
6 <u>GENERAL FUND</u>	-0-	428,000
7 <u>PROGRAM TOTAL</u>	-0-	428,000
- 8 There is included in the appropriation to this program
- 9 \$353,000 General Funds to be allocated by the Nebraska Commission
- 10 on Law Enforcement and Criminal Justice to local law enforcement
- 11 agencies in counties with a population of less than four hundred
- 12 thousand inhabitants for replacement of federal Byrne funds. There
- 13 is included in the appropriation to this program \$75,000 General
- 14 Funds to be available for grants to local law enforcement agencies
- 15 in counties with a population of four hundred thousand or more
- 16 inhabitants for the purpose of diversity training or minority
- 17 recruitment.
- 18 2. Renumber the remaining sections accordingly.

Senator Flood moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Flood requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Aguilar	Cunningham	Heidemann	Langemeier	Stuhr
Baker	Engel	Jensen	McDonald	Stuthman
Beutler	Erdman	Johnson	Mines	Wehrbein
Brashear	Fischer	Kopplin	Pederson, D.	
Chambers	Flood	Kremer	Price	
Connealy	Foley	Kruse	Smith	

Voting in the negative, 1:

Preister

Present and not voting, 16:

Bourne	Cudaback	Janssen	Redfield
Brown	Friend	Louden	Schimek
Burling	Howard	Pahls	Schrock
Cornett	Hudkins	Raikes	Synowiecki

Excused and not voting, 5:

Byars	Combs	Landis	Pedersen, Dw. Thompson
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The Flood amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Erdman requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 188. E & R amendment, AM7164, found on page 707, was adopted.

Senator Brashear reoffered his amendment, AM2262, printed separately and referred to on page 673 and considered on page 683.

The Brashear amendment lost with 17 ayes, 14 nays, 13 present and not voting, and 5 excused and not voting.

Senator Beutler moved for a call of the house. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

Senator Beutler requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 33:

Aguilar	Cornett	Hudkins	Mines	Schimek
Beutler	Cudaback	Janssen	Pahls	Schrock
Bourne	Engel	Johnson	Pederson, D.	Stuhr
Brashear	Flood	Kopplin	Preister	Synowiecki
Brown	Foley	Kremer	Price	Wehrbein
Chambers	Friend	Kruse	Raikes	
Connealy	Howard	McDonald	Redfield	

Voting in the negative, 2:

Erdman Smith

Present and not voting, 9:

Baker	Cunningham	Heidemann	Langemeier	Stuthman
Burling	Fischer	Jensen	Louden	

Excused and not voting, 5:

Byars Combs Landis Pedersen, Dw. Thompson

Advanced to E & R for engrossment with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 326. Introduced by Burling, 33.

WHEREAS, the Hastings College women's basketball team of Hastings, Nebraska, has won two consecutive National Association of Intercollegiate Athletics (NAIA) Division II national championships in the years 2001-2002 and 2002-2003; and

WHEREAS, in the 2006 NAIA championship final, the Broncos defeated the College of the Ozarks with a 58-39 win; and

WHEREAS, the Broncos were led by senior guard Lynnze Martinsen, who scored fifteen points, was named NAIA Division II first-team all American, won her second national championship for Hastings College, and played in her third final-four game; and

WHEREAS, senior Katie Dent contributed to the win with eight points, claimed eight rebounds to become the leader for individual rebounds during

a tournament with sixty-seven rebounds; climbed to fourth place on the all-time rebounding leaders with one hundred thirteen rebounds, and tied for fifth place on the top single-game rebounding performances with eighteen rebounds in the game against Judson College, received the tournament's most valuable player honor, won her second national championship for Hastings College, and played in her third final-four game; and

WHEREAS, also scoring in double figures was junior Stacy Svoboda with twelve points. She was named a NAIA Division II second-team all-tournament player; and

WHEREAS, Head Coach Tony Hobson was named the NAIA Division II 2006 Coach of the Year. This was his third career national championship season for Hastings College, also winning consecutive national titles in 2002 and 2003. Coach Hobson was the first coach in Nebraska to lead a team to a basketball championship at any college level, men or women; and

WHEREAS, the championship team also included Amanda McKenzie, Molly Alexander, Amanda Gowen, Jeanne Houchin, Mika Huntrods, Katy Rieger, Kay Broekemeier, Sarah Cambridge, Ali Clouse, Jessie Dana, Jackie Engelhardt, Jenny Fricke, Jenna Holt, Meagan Johnson, Ellen Jorgenson, Hannah Kucera, Amber Kulus, Maggie Schmaderer, Rachael VanKirk, Sammy Zuehlke, assistant coach Carrie Hofstetter, and graduate assistant Sandy Kliewer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulates the Hastings College women's basketball team of Hastings, Nebraska, for winning the 2005-2006 National Association of Intercollegiate Athletics (NAIA) Division II National Championship, earning the team a third National Association of Intercollegiate Athletics (NAIA) Division II title in five years.

2. That a copy of this resolution be sent to the Hastings College women's basketball team.

Laid over.

SELECT FILE

LEGISLATIVE BILL 994. E & R amendment, AM7178, printed separately and referred to on page 962, was adopted.

Senator Jensen renewed the Byars pending amendment, AM2537, found on page 913.

Senator Chambers renewed his pending amendment, FA538, found on page 914, to the Byars pending amendment.

The Chambers amendment was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Senator Beutler withdrew his pending amendment, AM2621, found on page 922.

Senator Beutler offered the following amendment to the Byars pending amendment:

AM2639

(Amendments to AM2537)

- 1 1. On page 2, strike beginning with "Placing" in line
- 2 4 through "(2)" in line 7; in line 10 strike "(3)" and insert
- 3 "(2)"; in line 12 strike "(4)" and insert "(3)"; in line 16 strike
- 4 "(5)" and insert "(4)" and strike "and retaining"; strike beginning
- 5 with "It" in line 19 through the period in line 22; in line 22
- 6 after "Funding" insert "under the Rural Behavioral Health Training
- 7 and Placement Program Act"; and in line 23 strike "positions and
- 8 their".

The Beutler amendment was adopted with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

The Byars amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Senator McDonald asked unanimous consent to withdraw the McDonald et al. pending amendment, AM2524, found on page 941, and replace it with the Jensen-McDonald substitute amendment, AM2814. No objections. So ordered.

(Amendment, AM2814, is on file and available in the Clerk's Office, Room 2014.)

The Jensen-McDonald amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Jensen asked unanimous consent to withdraw his pending amendment, AM2598, printed separately and referred to on page 967, and replace it with his substitute pending amendment, AM2754, printed separately and referred to on page 1069. No objections. So ordered.

Senator Smith offered the following amendment to the Jensen pending amendment:

AM2890

(Amendments to AM2754)

- 1 1. On page 4, line 5, strike "manipulate" and insert
- 2 "move"; and in line 7 after the period insert "Manual therapy does
- 3 not include manipulation involving high velocity thrust performed
- 4 at the limit of the range of motion.".

Senator Smith withdrew his amendment.

Senator Jensen withdrew his amendment, AM2754.

Senator Howard renewed her pending amendment, AM2663, found on page

1000.

Senator Howard withdrew her amendment.

Pending.

AMENDMENT - Print in Journal

Senators Raikes and Heidemann filed the following amendment to LB 962:
AM2777

- 1 1. Strike original section 3 and all amendments thereto
- 2 and insert the following new sections:
- 3 Sec. 2. Section 85-957, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 85-957 Peru State College may maintain its existing
- 6 baccalaureate general academic, baccalaureate occupational, and
- 7 baccalaureate professional degree programs; and shall limit
- 8 new baccalaureate degree programs to the needs of its unique
- 9 service area generally defined as the state's southeast region.
- 10 Peru's cooperative master's degree program in education with the
- 11 university may be maintained. Subject to approval by the Board of
- 12 Trustees of the Nebraska State Colleges, Peru State College may
- 13 offer a Master of Science degree in organizational management with
- 14 a focus in entrepreneurial and economic development.
- 15 Sec. 3. Section 85-1416, Revised Statutes Cumulative
- 16 Supplement, 2004, is amended to read:
- 17 85-1416 (1) Pursuant to the authority granted in
- 18 Article VII, section 14, of the Constitution of Nebraska and
- 19 the Coordinating Commission for Postsecondary Education Act, the
- 20 commission shall, in accordance with the coordination function of
- 21 the commission pursuant to section 85-1403, review and modify, if
- 22 needed to promote compliance and consistency with the comprehensive
- 23 statewide plan and prevent unnecessary duplication, the budget
- 1 requests of the governing boards.
- 2 (2)(a) At least thirty days prior to submitting to
- 3 the Governor their biennial budget requests pursuant to section
- 4 81-1113 and any major deficit appropriation requests pursuant
- 5 to instructions of the Department of Administrative Services,
- 6 the Board of Regents of the University of Nebraska and the
- 7 Board of Trustees of the Nebraska State Colleges shall each
- 8 submit to the commission an outline of its proposed operating
- 9 budget. The outline of its proposed operating budget or outline
- 10 of proposed state aid request shall include those information
- 11 summaries provided to the institution's governing board describing
- 12 the respective institution's budget for the next fiscal year or
- 13 biennium. The outline shall contain projections of funds necessary
- 14 for (i) the retention of current programs and services at current
- 15 funding levels, (ii) any inflationary costs necessary to maintain
- 16 current programs and services at the current programmatic or

17 service levels, and (iii) proposed new and expanded programs and
18 services. In addition to the outline, the commission may request
19 an institution to provide to the commission any other supporting
20 information to assist the commission in its budget review process.
21 An institution may comply with such requests pursuant to section
22 85-1417.

23 (b) On September 15 of each biennial budget request year,
24 ~~except as otherwise provided for 2002~~, the boards of governors of
25 the community colleges or their designated representatives shall
26 submit to the commission outlines of their proposed state aid
27 requests pursuant to sections 85-1536 and 85-1537. ~~In 2002, the~~
1 ~~boards of governors of the community colleges or their designated~~
2 ~~representatives shall submit to the commission the outlines no~~
3 ~~later than the date established by the budget administrator of the~~
4 ~~budget division of the Department of Administrative Services for~~
5 ~~the filing of biennial budget requests pursuant to section 81-132.~~

6 (c) The commission shall analyze institutional budget
7 priorities in light of the comprehensive statewide plan, role and
8 mission assignments, and the goal of prevention of unnecessary
9 duplication. The commission shall submit to the Governor and
10 Legislature by October 15 of each year, ~~except as otherwise~~
11 ~~provided for 2002~~, recommendations for approval or modification of
12 ~~each budget request~~ the budget requests together with a rationale
13 ~~for each such recommendation. In 2002, the commission shall submit~~
14 ~~to the Governor and Legislature its recommendations, and rationale~~
15 ~~no later than November 12, 2002.~~ The analysis and recommendations
16 by the commission shall focus on budget requests for new and
17 expanded programs and services and major statewide funding issues
18 or initiatives as identified in the comprehensive statewide plan.
19 If an institution does not comply with the commission's request
20 pursuant to subdivision (a) of this subsection for additional
21 budget information, the commission may so note the refusal
22 and its specific information request in its report of budget
23 recommendations. The commission shall also provide to the Governor
24 and the Appropriations Committee of the Legislature on or before
25 October 1 of each even-numbered year a report identifying public
26 policy issues relating to student tuition and fees, including
27 the appropriate relative differentials of tuition and fee levels
1 between the sectors of public postsecondary education in the state
2 consistent with the comprehensive statewide plan.

3 (3) At least thirty days prior to submitting to the
4 Governor their biennial budget requests pursuant to section
5 81-1113 and any major deficit appropriation requests pursuant to
6 instructions of the Department of Administrative Services, the
7 Board of Regents of the University of Nebraska and the Board of
8 Trustees of the Nebraska State Colleges shall each submit to the
9 commission information the commission deems necessary regarding
10 each board's capital construction budget requests. The commission
11 shall review the capital construction budget request information

12 and may recommend to the Governor and the Legislature modification,
13 approval, or disapproval of such requests consistent with the
14 statewide facilities plan and any project approval determined
15 pursuant to subsection (10) of section 85-1414 and to section
16 85-1415. The commission shall develop from a statewide perspective
17 a unified prioritization of individual capital construction budget
18 requests for which it has recommended approval and submit such
19 prioritization to the Governor and the Legislature for their
20 consideration. In establishing its prioritized list, the commission
21 may consider and respond to the priority order established by the
22 Board of Regents or the Board of Trustees in their respective
23 capital construction budget requests.

24 (4) Nothing in this section shall be construed to affect
25 other constitutional, statutory, or administrative requirements for
26 the submission of budget or state aid requests by the governing
27 boards to the Governor and the Legislature.

1 Sec. 4. Section 85-1903, Revised Statutes Cumulative
2 Supplement, 2004, is amended to read:

3 85-1903 Award means a grant of money by the commission
4 to an eligible student for educational expenses. Awards shall not
5 exceed:

6 (1) For award years prior to the ~~2006-07~~ 2007-08 award
7 year:

8 (a) For students who received an award from the
9 Postsecondary Education Award Program Act, the Scholarship
10 Assistance Program Act, or the State Scholarship Award Program
11 Act for the 2002-03 award year, the greater of the total awards
12 received by the student pursuant to such acts for the 2002-03 award
13 year or one-half of the tuition and mandatory fees for a full-time,
14 resident, undergraduate student for the last completed award year
15 at the University of Nebraska-Lincoln; or

16 (b) For students who did not receive an award from
17 the Postsecondary Education Award Program Act, the Scholarship
18 Assistance Program Act, or the State Scholarship Award Program Act
19 for the 2002-03 award year, one-half of the tuition and mandatory
20 fees for a full-time, resident, undergraduate student for the last
21 completed award year at the University of Nebraska-Lincoln; and

22 (2) For the ~~2006-07~~ 2007-08 award year and each award
23 year thereafter, twenty-five percent of the tuition and mandatory
24 fees for a full-time, resident, undergraduate student for the last
25 completed award year at the University of Nebraska-Lincoln.

26 Sec. 5. Original section 85-957, Reissue Revised Statutes
27 of Nebraska, sections 85-1416 and 85-1903, Revised Statutes
1 Cumulative Supplement, 2004, and section 71-17,112, Revised
2 Statutes Supplement, 2005, are repealed.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 968A. Introduced by Redfield, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 968, Ninety-ninth Legislature, Second Session, 2006; to provide for transfers; and to declare an emergency.

VISITORS

Visitors to the Chamber were Joshua Kanoy from Arlington; students and teacher from Omaha Christian Academy, Omaha; 8 twelfth-grade students and teacher from Sutherland; Ken, MicKenna, and Kassi Broman and Sydnee Eiland from Lincoln; and Adam Bates from Adamville.

ADJOURNMENT

At 8:58 p.m., on a motion by Senator Stuthman, the Legislature adjourned until 9:00 a.m., Friday, March 24, 2006.

Patrick J. O'Donnell
Clerk of the Legislature

